

INIS Free? Towards a Scots-Irish Union

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Aidan O'Neill Fr 29 Jul 2016

In his poem [The Second Coming](#) written in 1919 at a time of political and social ferment across Europe and an earlier constitutional breakdown within the United Kingdom, WB Yeats (that great Anglo-Irishman, a descendant and representative of “[no petty people](#)”) wrote the following lines:

*... Things fall apart; the centre cannot hold;
Mere anarchy is loosed upon the world,
The blood-dimmed tide is loosed, and everywhere
The ceremony of innocence is drowned;
The best lack all conviction, while the worst
Are full of passionate intensity.
Surely some revelation is at hand*

Against that apocalyptic vision, it is of some interest to note a [recent op-ed piece](#) in the *Irish Times*, in which the Irish writer Fintan O'Toole has made the intriguing suggestion that one possible political response to the further break-down of our constitutional order which the Brexit vote heralds, might be for a complete re-configuration of the nations within the Anglo Celtic Archipelago/Atlantic Isles. He suggests that Scotland and Northern Ireland might leave (and so dissolve) the United Kingdom, and join Ireland in some form of, a yet to be worked out, union.

Historic precedent for a Scots-Irish union ?

It is sometimes said to be a characteristic of the Scots and Irish that (like the Bourbons) that they have learned nothing and forgotten nothing. Their role in a Tolkien saga might be that of “The Grudge Bearers”.

In that spirit, and taking the approach of *la longue durée* to Fintan O'Toole's suggestion, we might find some historic precedent for setting up a Scottish-Irish Union (*sans et contre l'Angleterre*) in the campaign of Edward Bruce, younger brother of and then heir to Robert Bruce, who in the year after his brother's 1314 victory at Bannockburn, sailed to Ireland from Scotland with a sizeable fighting force and there allied with native Irish fighting against Anglo-Norman magnates owing fealty to the English crown, and had himself proclaimed High King of Ireland.

This is attested to in a remarkable document of 1317 which the native Irish princes (led by Donal O'Neill, king of Cenel Eoghain or Tyrone) addressed to the Avignon Pope John XXII through two of his papal nuncios who were then in England attempting to broker a post-Bannockburn peace between Edward II of England and Robert Bruce, King of Scots. This [Remonstrance](#) notes in part as follows:

“[O]n account of the injustice of the kings of England and their wicked ministers and the constant treachery of the English of mixed race, who, by the ordinance of the Roman curia, were bound to rule our nation with justice and moderation and have set themselves wickedly to destroy it; and in order to shake off the hard and intolerable yoke of their slavery and to recover our native liberty, which for a time through them we lost, we are compelled to wage deadly war with them,

aforesaid, preferring under stress of necessity to put ourselves like men to the trial of war in defence of our right, rather than to bear like women their atrocious outrages.

And that we may be able to attain our purpose more speedily and fitly in this respect, we call to our help and assistance Edward Bruce, illustrious earl of Carrick, brother of Robert by the grace of God most illustrious king of the Scots, who is sprung from our noblest ancestors.

And as it is free to anyone to renounce his right and transfer it to another, all the right which is publicly known to pertain to us in the said kingdom as its true heirs, we have given and granted to him by our letters patent, and in order that he may do therein judgment and justice and equity which through default of the prince Edward II the King of England have utterly failed therein, we have unanimously established and set Edward Bruce up as our king and lord in our kingdom aforesaid, for in our judgment and the common judgment of men he is pious and prudent, humble and chaste, exceedingly temperate, in all things sedate and moderate, and possessing power (God on high be praised) to snatch us mightily from the house of bondage with the help of God and our own justice, and very willing to render to everyone what is due to him of right, and above all is ready to restore entirely to the Church in Ireland the possessions and liberties of which she was damnably despoiled, and he intends to grant greater liberties than ever otherwise she has been wont to have.

May it please you therefore, most Holy Father, for the sake of justice and general peace mercifully to approve what we have done as regards our said lord and king Edward Bruce, forbidding the King of England and our aforesaid adversaries henceforward to molest us, or at least be pleased to render us with fitting favour our due complement of justice in respect of them.

For know, our revered Father, that besides the kings of lesser Scotia who all drew the source of their blood from our greater Scotia, retaining to some extent our language and habits, a hundred and ninety seven kings of our blood have reigned over the whole island of Ireland.

The Avignon Papacy neither recognised Edward Bruce's claim to the High Kingship of Ireland, nor did it respond favourably to the Irish princes' Remonstrance. In October 1318 the Scots-Irish army under Edward Bruce was defeated by the Anglo-Norman forces of Edward II. Edward Bruce was killed, his body quartered and sent throughout Ireland and his head delivered to [King Edward II](#).

The Scottish parallel document to the Irish Princes' Remonstrance is the [Declaration of Arbroath](#) of 1320. Like the Irish Remonstrance this was again, in form, a letter to Pope, John XXII in his capacity as an international arbiter, requesting him to "admonish and exhort the King of the English" to end his grumbling on-going military campaign in Scotland and "to leave us Scots in peace". The complaint was made that in invading Scotland – which earlier Popes had recognized as constituting a distinct kingdom and people with its own church hierarchy independent from that of England – and seeking to subdue and/or annex Scotland to his kingdom, the English king Edward I ("Hammer of the Scots") and his son Edward II had carried out wanton acts of "cruelty, massacre, violence, pillage, arson, imprisoning prelates, burning down monasteries, robbing and killing monks and nuns, and yet other outrages without number which he committed against our people, sparing neither age nor sex, religion nor rank". The letter was composed by a Scottish Churchman, Bernard de Linton, the Abbot of Arbroath, and was signed by leading nobles and gentry bearing to represent "the whole community of the realm of Scotland". Two other letters in similar terms – from the Scottish clergy and from the King of Scots – were composed at the same time but no copies of these have survived. The surviving letter suggested that any failure on the part of Pope John XXII to condemn the English action in Scotland would tarnish such reputation he might hope to garner for himself as a defender of the Church, of Christendom and of the Christian Holy places. The letter claimed that Papal interests were directly concerned in this issue on the basis that the continued war of the English against the Scots was preventing the Scots from participating in a Crusade in the Holy Land. It stated, too, that the English campaign against the Scots was being used by the English simply as an excuse not to join in the Crusade, suggesting that "the real reason that prevents them is that in making war on their smaller neighbours they find quicker profit and weaker resistance". The letter advised the Pope that he would be to

blame for “the slaughter of bodies, the perdition of souls, and all the other misfortunes that will follow, inflicted by them on us and by us on them” if he should favour the English claims in this dispute.

Crucially, like the Remonstrance, the Declaration of Arbroath makes important constitutional claims about kingship. First it says that “it was the due consent and assent of us all have made Robert Bruce our Prince and King”. Secondly, it affirms that the continued kingship of Robert Bruce was conditional on his maintaining the integrity and independence of the Scottish nation, for

“[I]f he should give up what he has begun, and agree to make us or our kingdom subject to the King of England or the English, we should exert ourselves at once to drive him out as our enemy and a subverter of his own rights and ours, and make some other man who was well able to defend us our King. For, as long as but a hundred of us remain alive, never will we on any conditions be brought under English rule. It is in truth not for glory, nor riches, nor honours that we are fighting, but for freedom — for that alone, which no honest man gives up but with life itself.”

Pope John XXII's initial response to the Scottish document was to support the Scottish claims and a peace treaty was concluded between Scotland and England in 1323. It may be that this was simply the Papacy doing nothing more than recognizing the political and military realities on the ground, rather than acting in any sense as an independent supra-national arbitrator and peace-broker.

The most interesting aspect of both the Irish Princes' Remonstrance of 1317 and the Scottish magnates' Declaration of Arbroath of 1320 (apart from the fact that Mel Gibson cribbed the latter document for the screenplay of *Braveheart*) is how they both claim that the legitimacy of the ruler rests on the consent of the people.

This is an idea which is more fully developed in a work of 1324 CE, *Defensor Pacis* (“Defender of the Peace”), by Marsilius of Padua who relied on Aristotle's *Politics* to reclaim a view which saw political power and authority as being conferred from the bottom up, by and from the people. Among the conclusions reached by Marsilius were that:

- “the whole body of citizens or its majority alone is the human ‘legislator’”;
- “the ‘legislator’ alone or the one who rules by its authority has the power to dispense with human laws”;
- “the elective principality or other office derives its authority from the election of the body having the right to elect, and not from the confirmation or approval of any other power”;
- “there can be only one supreme ruling power in a State or kingdom”; and that
- “no prince, still more, no partial council or single person of any position, has full authority and control over other persons, laymen or clergy, without the authorization of the ‘legislator’”.

In reaching these conclusions, among other, Marsilius ran wholly counter to the prevailing theologically driven “top-down” debates which focused instead on the supposed details of the authority and power which had been granted by God to ecclesiastical and secular rulers, upon which Edward II rested his claims to be entitled to rule over Scotland and Ireland as well as England.

In so re-positioning the debate about sovereignty away from God and on to the people, Marsilius anticipated and became, in a sense, the father of modern democratic political thought. The focus which Marsilius put on the sovereignty of the people would prove in time to be just as potentially revolutionary for kings as it was for Popes. Since if the political claims of the Popes could be questioned in the name of the people, so too, in time, might the claims of their secular rulers come to be challenged on the same basis.

Back to the Future

A post Brexit union of Ireland, Northern Ireland and Scotland would certainly be one way of achieving what the

majority of the electors of Northern Ireland and Scotland who voted in the Brexit referendum sought to achieve, namely to remain within the EU and retain their EU citizenship.

The dissolution of the United Kingdom consequent upon Scotland and Northern Ireland leaving would allow England and Wales would be free to continue its negotiations for their EU free future.

The conundrum of Northern Ireland would be resolved by the fact that the nationalists' goal of a united island of Ireland would be achieved while the unionists' community's fear of being swamped by a Catholic majority could be allayed by union with a still predominantly Presbyterian Scotland.

Ireland's population of 4.5 million currently makes it one of the smaller nations within the EU, with a consequent relative lack of voting power within the Council. The addition of Northern Ireland's 1.8 million strong population, together with the 5.3 million resident in Scotland would provide an aggregate population in the newly expanded state of 11.6 million which would raise it to one of the medium sized nations of the EU. More people means more votes means more influence within the councils and institutions of the EU.

The 1990 merger between the German Federal Republic and the German Democratic Republic provides a useful precedent from the point of view of EU law for an existing EU member State significantly increasing its territory and population while retaining all of its rights as a continuing member State without any form of European Treaty revision.

The suggested union between Ireland, Northern Ireland and Scotland would be far less radical, from an EU perspective, than the German case precisely because, unlike the citizens of the German Democratic Republic, the British citizens of Northern Ireland and Scotland are already EU citizens. And again, unlike the situation which prevailed in the German Democratic Republic immediately prior to its merger with the German Federal Republic, the economy, politics and legal systems of Northern Ireland and of Scotland are already integrated within the European Union.

The amendments to the Treaties consequent upon any union between Scotland and Northern Ireland would be minimal. In effect they would be limited to revising the definition and weighting of qualified majority voting in the Council and the European to reflect the increased relative population of the expanded member State and increasing number of representatives in the European Parliament reflect the relative expansion of the Member State formerly known as Ireland, both in terms of its population and territory.

A new name for a transformed State

What, then, to call this newly expanded member state ? The acronym for Ireland, Northern Ireland and Scotland is INIS which is the Gaelic for Island, as we are reminded (again by WB Yeats) in his poem [The Lake Isle of Innisfree](#) where, he tells us, we "shall have some peace there, for peace comes dropping slow".

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